G.R.S IX-5]

Previous references. Mrg. 101-23-b

1923 (Secretariat)

File No. 302-23

Serial Nos. 1 – 2

Later references,
Mrg 130-25-1-B
39-24-1-B

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 2

Part B for August 1924.

SUBJECT

Reports on the appeal petition of Channamma and others of Bangalore re the resumption of certain lands in Kothur village said to belong to Gurusiddha Swami math at Sunkenahalli, Bangalore Taluq.

G.O. No. 227 dated 18.8.1924.

To the Mrg-Com

Records the Mrg-Com report

1923.

MUZRAI SECRETARIAT.

(Muz.)

NOTES.

File No. 302
1923.

FILE HEADING

Resumption of certain lands in Kothur Village said to belong to Gurudidda Devaru Mutt at Sunkenahalli Bangalore Talug.

From The Muzrai Comr

C No 870 Dated 14. 5. 924 Received

Diary No.	Enclos.	Spare Copies.	Serial No
2225			1

BRIEF ABSTRACT OF LETTER.

Reports on the appeal petition of Chaunamma and Others of Bangalore appealing against the Dy. Comrs. order of Resumption of the said Lands.

NOTES AND ORDERS.

The Muz. Comrs. letter explains fully the facts of the case. Chaunamma and Others of Bangalore appealed to Govt against the Bangalore Dy. Comrs. order Resuming certain Lands

NOTES—First Sheet.

WD 0560—GPB—500—9 8 22

Muzrai Secretariat | Muz. File No. of 192 .

Serial No.

in Kotturu village said to belong to Gunnidda Devaru matt at Sunkenahalli in the Bangalore Taluk.- The petition has forwarded under order of the member, to the Muz. Comr. for disposal.- Mat Officer has sent up a report on the subject.

3 The Muz. Comr. reports that he has rejected the appeal petition as it has preferred nearly 2 years after the issue of Dy. Comr's. order.

4 The Muz. Comr. reports that the appeal petitioners have filed a Suit in the Bangalore Munsiff's Court against Kappanna. Agent of the matt, and the Dy. Comr. Bangalore contending that the

You should not copy Muz. Comr's letter in reference on this, but make only a brief abstract.

Dy B.

NOTE—Contn. sheet

WD 0561—GPB- 3750—1 8 22

Serial No.

Suit properties which were resumed under Dy. Com's. order do not belong to any muzrai instn., and praying to declare their title to the properties. It is reported that it has not been established beyond doubt that this is a muzrai instn. and the Muz Comr. reports that the better plan to avoid costs to Govt. is to cancel the Dy. Comr's Mr. Narayaniengar's order which was passed under a misapprehension, and leave the parties to contest their rights in the civil courts. He adds that the Dy. Comr. is being requested to pass orders accordingly, and give intimation of it to the Court.

NOTE—Contn. sheet

WD 0561—GPB—3750—1 S 22

Muzrai Secretariat | Muz. File No. 302 of 192 2

Serial No.

Requesting the Court to omit the Dy. Com's. name as a defendant.

5 A cancellation of the Dy Com's. order is a cancellation of the order of resumption of the lands under dispute which are Kandayam lands

6 Submits for orders.

AD 29.7.24. BL 12.7.24

7 The Asst Com's order will Dy Com's seems to be correct. The Com may be moved.

L 16.7.24.

Rec. Grey 11 Inches

643/25

KC 24.7.

L 24.7.24

8 I agree

DM 28/7

L 28/7

9) Submits bills Dfts:

AD 29.7.24. BL 28.7.24 10 Inches

L 28.7.24.

NOTE—Contn. sheet

WD 0561—GPB—3750—1 8 22

Muzrai Secretariat

Muz. File No. 302 of 1923.

Serial No.	
2	To The Muzrai Commr. No. 227 d. 18.8.24. Records the above letter.

NOTE—Contn. sheet

WD 0561- GPB—3750—1 8 22

5483

C 870 of 23 Four

Office of the Muzrai Commissioner in Mysore.

Dated Bangalore, 14th May 1924.

From

K. Chandy, Esquire, B.A.,

Muzrai Commissioner in Mysore,

Bangalore.

Abstract 302-23-1.

17 MAY 1924 MUZRAI

D.No. 2222

Fort St. George 16 MAY 1924

To

K. V. Anantharaman, Esquire, B.A.,

Secretary to the Government of

His Highness the Maharaja of Mysore,

Revenue Department.

Sir,

With reference to your letters Nos.151 and 153/M.F.101-23-6 (B) dated the 26th July 1923 forwarding for disposal appeal petition from Chanramma and others of Bangalore appealing against the order of the Deputy Commissioner Bangalore District, resuming certain lands in -- Kottnur village said to belong to Gurusiddadevaru Matt, at Sunkenahalli in the Bangalore Taluk, I have the honor to state that as the petition referred to above was preferred nearly 2 years after the issue of the Deputy Commissioner's orders it was rejected in this office order No.R. Dis.52/23-24 dated the 30th October 1923.

The appeal petitioners have now filed a civil suit in the 1st Munsiff's Court, Bangalore, against Kapanna, Agent of the Matt and the Deputy Commissioner, Bangalore District, contending that the suit properties which were resumed by the orders of the Deputy Commissioner do not belong to any Muzrai institution and praying to declare their --- title to the properties. A copy of the plaint is also enclosed.

The Deputy Commissioner requested to engage the services of the Public Prosecutor to defend the suit (copy of his letter enclosed). He was asked to submit all particulars required in rules 88 and 89 issued under Government order No.P.4966-5045/Cts.76-23-1 dated the 19th March 1924 for the conduct of the legal affairs of Government. At the same time the Inam Superintendent, was requested to state whether the matt was a Muzrai institution and whether the lands under contention were inam endowed to the Matt. He stated that the matt in question had

question had no inam land in Kotanur village and that lands were sircar (copy of his letter is enclosed). On further communication from this office addressed to the Deputy Commissioner, Amildar of the Bangalore Taluk, reports that the Jangam Matt at ---- Sunkenahalli was endowed with certain inam lands in Yediyur and ---- Nagasandra villages which were resumed in the year "Shobhakrutu" as they were waste lands and the Gurusiddadevaru Matt and the Jangam Matt seem to be identical.

The Deputy Commissioner suggests that, as it has not been --- established beyond doubt that, this is a Muzrai Institution, the suit may be left in the hands of Kappanna the agent of the matt giving him such help as may be required from the available records of his office but as it is seen from the Inam Superintendent's letter that the lands are not Inam lands endowed to the Matt, The better plan to avoid costs to Government, is to cancel Mr. Narayanaiengar's --- order which was passed under a misapprehension and leave the parties to contest their rights in the Civil Court.

The Deputy Commissioner is being requested to pass orders -- accordingly and give intimation of it to the Court and request the Court to omit his name as a defendant.

I have the honor to be

Sir,

Your most obedient servant,

K Meanday

Muzrai Commissioner.

IN THE COURT OF THE FIRST MUNSIFF? BANGALORE.

Original suit No. 23-24.

i iffs.	VS.	Defendants.
1. Channamma aged 35 widow of Kempanna Sunkenahalli Bull Temple Raod, Bangalore City. 2. Kullappa aged 40 son of Muniya Boya Kottanur village Uttarhalli Hobli, Bangalore Taluk. 3. Hanumakka wife of Poojari Boyi Kottanur village, Uttarhalli Hobli Bangalore Taluk.		1. Kappanna aged 70 son of --- Sunkenahalli, Bull Temple Road Bangalore City. 2. Deputy Commissioner, Bangalore District.

Under C.Vll r.i of the Code of Civil Procedure.

The plaintiffs above named beg to submit as follows:-

1. The immoveable properties described in full in the schedule -- hereunder are the absolute properties of plaintiffs. The plaintiffs and their predecessors in title have been in peaceful possession and enjoyment of the schedule properties for over a number of years, paying regularly annual assessment to Government.

2. The Revenue records connected with the schedule properties conclusively bear out that they are of private ownership, in possession and enjoyment of plaintiffs. The title deeds in favour of plaintiffs are produced herewith.

3. At the instance of defendant No.1 above named, Defendant No.2 has passed an order on 25/5/21 to the effect that the schedule properties belong to a Muzrai Institution known as Gurusiddevara Mutt and that the same should be resumed from the possession of plaintiffs and given over to defendant No.1 as alleged agent of the said Mutt.

4. It is absolutely incorrect to say that the suit properties belong to any Muzrai Institution. The existence of Gurusiddevara Mutt itself is doubtful. Defendant No.1 is the self styled agent of the alleged institution. All these allegations have been concocted by defendant No.1 with the fraudulent object of snatching away the schedule properties from plaintiffs.

5. Defendant No.1 is fully aware of plaintiffs' rights in the schedule properties as set out above. Plaintiffs repeatedly brought to the notice of defendant No.2 that the Muzrai authorities had not jurisdiction to decide the question of the ownership of the suit properties. In entire ignorance of plaintiffs' representations, defendant No.2 has erroneously and wrongfully assumed jurisdiction and passed the order referred to in para 3 above.

6. The schedule properties being of private ownership. unconnect any Muzrai Institution, the order 25/5/21 passed by defendant No.2 in favour of defendant No.1 amounts to an invasion of plaintiffs rights of ownership in the suit properties. The said order is ultra vires certainly not binding on plaintiffs.

7. On the strength of the said order defendant No.1 has been attempting to deprive plaintiffs of the possession of the suit properties. Hence the present suit for ~~xxx~~ declaration of plaintiffs' title to the suit properties and for permanent injunction against defendants from interfering with plaintiffs possession and enjoyment of the same.

8. Under section 80 of the C.P.Code a notice has been served on defendant No.2 about the institution of the present suit and plaintiffs beg to produce the postal acknowledgment at 3rd Jany. 1924 along with this plaint.

9. The cause of action for the suit arose on or about 25th May 1921 and on subsequent dates when defendants collusively acted against the interests of the plaintiffs within the jurisdiction of this Hon'ble Court at Bangalore City.

10. The value of the suit for purposes of jurisdiction and court fee is half of ten times the total assessment of all the suit lands i.e., ½.x 10 x 20-10-6 = Rs.113-4-6

Prayer for judgment:-- Plaintiffs pray that their title to the suit properties be declared and that defendants be restrained by this Hon'ble Court by an order permanent injunction from interfering with plaintiffs peaceful possession and enjoyment with court costs and such other ---- reliefs as this Hon'ble court may deem fit under the circumstances of the case.

Bangalore City,
10th Mar.1924.

Verification.

We the plaintiffs above named do hereby declare that the ----- contents of this plaint are true to the best of our knowledge.

Bangalore City,
10th Mar.1924.

Copy
(Sd.) Charles Noronha,
For Deputy Commissioner,
Bangalore District.

Muzrai Commissioner
15/5/24

of 23-24 dated 16/20th February 1924 from the
alore District to the Muzrai Commissioner in 10

"With reference to your No.R.Dis.52 of 1923-24 of the 27/30th October 1923, rejecting as time-barred the petitons of Channamma and others, appealing against this office, order of the 25th May 1921 --- directing the resumption of certain lands of Gurusiddadevaru Mutt, -- Bangalore Taluk, I have the honor to forward herewith copy of petition dated 2nd January 1924 presented to this office praying that this --- office order of the 25th May 1921 may be held in abeyance pending the result of a Civil suit which they intend to file.. The petitioners have been granted an endorsement (copy enclosed) to the effect that the orders could not be held in abeyance since their appeal petition has been rejected by the Muzrai Commissioner.

If a Civil suit be filed by the petitioners as stated by them, the services of the Public Prosecutor will have to be engaged at the cost of the Mutt."

Copy

KSR.

for Muzrai Commissioner. 15/5/1924
BVK

Letter No.P.1317 of 23-24 dated 6th May 1924 from the Deputy ssioner, Bangalore District to the Muzrai Commissioner in Mysore

---

"With reference to the marginally noted communications received

1.	No.C.870	of	1923-24	dated 9th April 1924.	from your office in the
2.	"	"	"	16th April "	
3.	"	"	"	30th April "	matter of the Civil suit

filed against this office order of the 25th May 1921, directing the resumption of certain lands of Gurusiddadevaru Mutt at Sunkenahalli in the Bangalore Taluk, I have the honor to submit herewith the vercacular records ending with the Bangalore Taluk Amildar's report No.536 of the 22nd April 1924 and to state that from the Amildar's report No.287 date(19th April 1921 it is seen that this was a "Muzrai Matter." It is not -- established beyond doubt that Gurusiddadevaru Mutt is a Muzrai Institution. The circumstances under which Mr. M.A. Narayana Iyengar passe(hisorders on the 25th May 1921, resuming the lands appear to be that he presumed it to be a Muzrai Institution.

2. In view of the facts now ~~brught~~ brought to light, (Viz.that Gurusiddadev Matt is not a Muzrai Institution), I request to be informed whether it

it would not be desirable to leave the civil suit Kappanna giving him such help as he may require from th official records.

3. The copy of the plaint received with your letter of the 9th April 1924 is herewith returned."

"Copy"

Jr Muzrai Commissioner. 15/5/24

KSR.

Letter No.130/1.s. dated 15th April 1924 from the Superintendent re Revenue Survey, Bangalore to the Muzrai Commissioner in Mysore.

"With reference to your letter No.C.870/23-24 dated 9th April 1924 I have the honor to state that as per records of Inam settlement of the Bangalore Taluk the Gurusiddevaru Mutt at Sunkenahalli does not hold any Inam lands in Kotnur village.

The survey numbers referred to in your letter are all Sircar as per Survey Settlement."

"Copy"

for Muzrai Commissioner. 15/5/24

BK

KSR.

VI G 34]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section Mwz.

File No. 302 23 2

Serial No. 2

General and Revenue Secretariat

( )

the 192 .

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue.... 18.8.24

Signed by... Sm TKR...

Read—

Petition recd re 2131 from channamma and certain others of Bangalore appealing against the order of the Dy. Com.r, Bangalore, resuming certain lands in Kothnur village said to belong to Suri-Siddeviamma Mall at Sunkenahalli in the Bangalore Taluk.

Letter no. C. 870 Dy 14th May 1924 from

Order Thereon No.

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Muznai Comr in my Case
reporting, that the above
petition was rejected
as the appeal was preferred
nearly 2 years after the
time of Dy. Comrs. order,
that the appeal pets
have filed a Suit in the
Bangalore Munsiffs Court
against the Agent of
the Said Math and the
Dy. Comr., Bangalore,
contending that the
Suit properties
referred under Dy. Comrs order
is not belong to any
Muznai institn, and that
as it has not been established
beyond doubt that this
is a Muznai institn,
he may ~~direct~~ ask the Dy. Comr to cancel
the previous Dy. Comrs

in connection with the papers noted and thereon in regard to certain properties alleged to belong to Sri Sivaganga Math at Sunkenhalli forwarded for his disposal

List of enclosures.

Copied by

Examined by

WD 1886—GPB—1,000,00—21 12 21

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

to eliminate the fact when ~~Civil~~ Court ~~request~~ with a request to omit his name as a defendant.

Mr Narasingarao order which was passed under a misapprehension and leave the parties to contest their rights in a Civil Court.

Order: 227/302-28-2

18.5.24

Recorded.

18.5.24.

Dy Rev. Secretary.

Dy RR 29.7.24

Rec Inv. Comrs with enclo.